

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
McALLEN DIVISION**

**MARTINA PENA, Individually and §  
As Next Best Friend of A.P., and §  
ARISTEDES PENA, Individually and §  
On Behalf of the Estate of §  
ALBERTO PENA, §  
Plaintiff §**

**VS**

**C.A. NO. 7:22-cv-00276**

**STARR COUNTY, TEXAS, §  
EVELARIO GARZA, and §  
UBALDO SUAREZ, §  
CHESTER CERVANTES, §  
ERASMO RIOS JR., §  
DANIEL GARCIA, §  
HECTOR LOPEZ III, §  
JAVIER GONZALEZ, §  
JOEL GARZA, §  
EMILIO GARZA, §  
JESUS BARRERA JR., §  
CESAR JUAREZ JR., §  
Defendants §**

**DEFENDANTS STARR COUNTY, EVELARIO GARZA, UBALDO SUAREZ,  
CHESTER CERVANTES, DANIEL GARCIA, HECTOR LOPEZ III, JOEL GARZA  
AND CESAR JUAREZ JR'S SUMMARY JUDGMENT RECORD  
AND TABLE OF EXHIBITS**

NOW COMES, DEFENDANTS, STARR COUNTY, EVELARIO GARZA, UBALDO SUAREZ, CHESTER CERVANTES, DANIEL GARCIA, HECTOR LOPEZ III, JOEL GARZA AND CESAR JUAREZ JR (hereafter “County Defendants”), and file this Summary Judgment record and exhibits, which are herein incorporated for all purposes into the Summary Judgment Motions filed by each of the Defendants.

The County Defendants hereby submit in support of each dispositive motion a set of authenticated and admissible exhibits, which are incorporated by reference for all purposes and numbered as follows:

1. 911 Emergency call regarding Alberto Pena
2. Deputy Cervantes Body Camera
3. Pictures of damage Alberto Pena did to parents' house
4. Booking documents - Alberto Pena
5. Starr County jail hall camera outside detox cell
6. Starr County detox cell camera
7. Holding cell log 8/13/20
8. Wrap restraint log 8/13/20
9. Electronic wand cell check log 8/13/20
10. Declaration of Chester Cervantes
11. Deposition excerpts of Chester Cervantes
12. Declaration of Daniel Garcia
13. Deposition excerpts of Daniel Garcia
14. Declaration of Joel Garza
15. Declaration of Hector Lopez III
16. Declaration of Evelario Garza
17. Deposition excerpts of Evelario Garza
18. Declaration of Ubaldo Suarez
19. Deposition excerpts of Ubaldo Suarez
20. Declaration of Cesar Juarez Jr.
21. Deposition excerpts of Cesar Juarez Jr.
22. Edgar Pena's deposition testimony
23. Jail phone call -Edgar Pena to girlfriend (with translation #2)
24. Jail phone call - Edgar Pena to mom (with translation #1)
25. Jail phone call -Edgar Pena to girlfriend (with translation #3)
26. Autopsy with toxicology report
27. Deposition excerpts of Plaintiff's expert Judy Melinek
28. Video of booking area in Starr County jail
29. Texas Rangers cumulative file
30. District Attorney cumulative file
31. Records from prior decedent arrest
32. Starr County interrogatory responses
33. Evelario Garza interrogatory responses
34. Sheriff Fuentes Depo Excerpts
35. Affidavit of Chief Administrator Jose R. Molina
36. Detention Center Policies and Procedures
37. Affidavit of Major Carlos Delgado

SIGNED on this 12<sup>th</sup> day of December 2024.

Respectfully Submitted,

By: Robert L. Drinkard  
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**ATTORNEY FOR DEFENDANT**

### **CERTIFICATE OF SERVICE**

I certify that a true copy of this document has been served in accordance with one or more of the authorized methods for service of process contained in the Federal Rules of Civil Procedure on the persons or parties identified below on the 12<sup>th</sup> day of December, 2024.

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**By E-Filing Methods**

By: Robert L. Drinkard  
ROBERT L. DRINKARD